

### **Remarks**

Applicants respectfully request reconsideration of this application as amended.

Claims 1, 21 and 26 have been amended. No claims have been cancelled. Therefore, claims 1-33 are presented for examination.

Claims 1-5, 9, 20-21, and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over prior art of record JP Pub No. 2001-016655 and Magnuson et al. (U.S. Patent No. 6,504,480) and further in view of Andrews et al. (U.S. Patent No. 7,047,426). Applicants submit that the present claims are patentable over any combination of the JP Pub No. 2001-016655 reference, Magnuson and Andrews.

The JP Pub No. 2001-016655 reference discloses secrecy information storage means that stores secrecy information of a portable terminal, a dummy secrecy storage means that stores dummy secrecy information. When a detection means detects a number of password entry failures in excess of a processing value, the detection means outputs a control signal to a control means. The control means transmits an encryption signal to a public key encryption means, which uses a public key to encrypt the secrecy means. Also, the control means deletes the secrecy information and replaces the encrypted secrecy information with the dummy secrecy information. See JP Pub No. 2001-016655 at Abstract.

Magnuson discloses an embodiment where a proximity security system may incorporate security applications to activate if a non-owner attempts to access a slave device without appropriate control signals from a master device. In order to prevent corporate espionage, a slave laptop could be programmed to run a security application that erases or re-formats a hard drive within the slave laptop. Thus, if the slave laptop has been stolen either without a master or with a proxy pager, the hard drive will be erased if the thief attempts to

access the slave laptop without the appropriate device/control codes. See Magnuson at col. 6, ll. 4-15.

Andrews discloses a portable computing device is configured to run is a screen-blocking program to restrict access to the portable computer device. The screen-blocking program is typically configured to display an information window containing a message that the device has been locked, and a password window, requiring a user to enter a password before gaining access to the contents of the portable computing device. Typically, an interest holder in the portable computing device may request that the host computer instruct portable computing device to execute the screen-blocking program upon determining that the portable computing device has a predefined status, such as MISSING, LOST, or STOLEN. See Andrews at col. 6, ll. 13-27.

Claim 1 of the present application recites a user accessing a graphical user interface (GUI) operating on a device to select a predetermined number of attempts that are permitted for a valid password entry. Applicants submit that the JP Pub No. 2001-016655 reference, Magnuson and Andrews each fail to disclose or suggest a user accessing a graphical user interface (GUI) operating on a device to select a predetermined number of attempts that are permitted for a valid password entry. In fact, the Office acknowledges that the JP Pub No. 2001-016655 reference does not disclose such a feature. See Office Action at page 4, first full paragraph. Instead, Andrews has been cited as disclosing the feature. *Id.* at third full paragraph.

However, Andrews discloses a user entering a password before gaining access to the contents of a portable computing device, not a user selecting a predetermined number of attempts that are permitted for a valid password entry. Because the JP Pub No. 2001-016655

reference, Magnuson and Andrews all fail to disclose or suggest a user accessing a graphical user interface (GUI) operating on a device to select a predetermined number of attempts that are permitted for a valid password entry, any combination of the JP Pub No. 2001-016655 reference, Magnuson and Andrews would also fail to disclose or suggest such a feature. As a result, the present claims are patentable over any combination of the JP Pub No. 2001-016655 reference, Magnuson and Andrews.

Claims 2-20 depend from claim 1 and include additional features. Thus, claims 2-20 are also patentable over any combination of the JP Pub No. 2001-016655 reference, Magnuson and Andrews.

Claim 21 recites a user accessing the GUI to select a predetermined number of attempts that are permitted for a valid password entry. For the reasons described above with respect to claim 1, claim 21 is also patentable over any combination of the JP Pub No. 2001-016655 reference, Magnuson and Andrews. Since claims 22-25 depend from claim 21 and include additional features, claims 22-25 are also patentable over any combination of the JP Pub No. 2001-016655 reference, Magnuson and Andrews.

Claims 6-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over prior art of record JP Pub No. 2001-016655, Magnuson and Andrews as applied to claim 1 and 4 above, and further in view of Chorley et al. (U.S. Patent No. 4,634,807). Applicants submit that the present claims are patentable over any combination of the JP Pub No. 2001-016655 reference, Magnuson, Andrews and Chorley.

Chorley discloses encrypting a software module using the data encryption standard (DES) algorithm in order to prevent the unauthorized copying of software and encrypting the key using the public key of a public/private key algorithm. See Chorley at Abstract.

Nonetheless, Chorley does not disclose or suggest a user accessing a graphical user interface (GUI) operating on a device to select a predetermined number of attempts that are permitted for a valid password entry.

As discussed above, the JP Pub No. 2001-016655 reference, Magnuson and Andrews each fail to disclose or suggest a user accessing a graphical user interface (GUI) operating on a device to select a predetermined number of attempts that are permitted for a valid password entry. Therefore, any combination of the JP Pub No. 2001-016655 reference, Magnuson, Andrews and Chorley would also fail to disclose or suggest such a feature. Accordingly, the present claims are patentable over any combination of the JP Pub No. 2001-016655 reference, Magnuson, Andrews and Chorley.

Claims 10-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over JP Pub No. 2001-016655 Magnuson et al., Andrews et al. as applied to claim 1 above, and further in view of Jakobsson (U.S. Patent No. 6,501,380). Applicants submit that the present claims are patentable over any combination of the JP Pub No. 2001-016655 reference, Magnuson, Andrews and Jakobsson.

Jakobsson discloses a protected device, which may normally operate in a first state of normal operation. A first event may cause the protected device to go into a second state of alert where the protected device still operates normally but additionally provides warnings to a user. For example, during the second state of alert a user may be warned that an access code needs to be entered to prevent degradation or altering of the operation of the protected device. The first event may be triggered or may depend on one or more sub-events some of which may occur with some probability and some of which may automatically occur or may be deterministic. If a second event occurs prior to the user providing an access code then the

protected device would transition from the second state (normal operation with warnings) to a third state in which the operation of the protected device would be altered or degraded. The second event may be based on one or sub events some of which may be probabilistic and some of which may be deterministic. If the user enters the correct access code during either the second state (warnings) or the third state (altering or degradation of operation), then the protected device would go back to the first state (normal operation, no warnings and no degradation). See Jakobsson at Abstract.

However, Jakobsson does not disclose or suggest a user accessing a graphical user interface (GUI) operating on a device to select a predetermined number of attempts that are permitted for a valid password entry. As discussed above, the JP Pub No. 2001-016655 reference, Magnuson and Andrews all fail to disclose or suggest such a feature. Thus, any combination of the JP Pub No. 2001-016655 reference, Magnuson, Andrews and Jakobsson would also fail to disclose or suggest the feature. Consequently, the present claims are patentable over any combination of the JP Pub No. 2001-016655 reference, Magnuson, Andrews and Jakobsson.

Claims 14 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over JP Pub No. 2001-016655, Magnuson, Andrews as applied to claim 2 above, and further in view of Dayan et al. (U.S. Patent No. 5,574,786). Applicants submit that the present claims are patentable over any combination of the JP Pub No. 2001-016655 reference, Magnuson, Andrews and Dayan.

Dayan discloses a personal computer system having security features enabling control over access to data retained in the system. See Dayan at Abstract. Nevertheless, Dayan does not disclose or suggest a user accessing a graphical user interface (GUI) operating on a

device to select a predetermined number of attempts that are permitted for a valid password entry.

As discussed above, the JP Pub No. 2001-016655 reference, Magnuson and Andrews all fail to disclose or suggest such a feature. Thus, any combination of the JP Pub No. 2001-016655 reference, Magnuson, Andrews and Dayan would also fail to disclose or suggest the feature. As a result, the present claims are patentable over any combination of the JP Pub No. 2001-016655 reference, Magnuson, Andrews and Dayan.

Applicants notice that claim 26-33 have not been rejected in the Office Action. Applicants maintain the claims 26-33 are also patentable over the references cited in the Office Action.

Applicants respectfully submit that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicants respectfully request the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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